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Held at the Palais des Nations, Geneva,
on Thursday, 7 August 1997, at 3 p.m.

Chairman: Mr. BANTON

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 5) (continued)

Thirteenth and fourteenth periodic reports of Poland (CERD/C/299/Add.10)

1. At the invitation of the Chairman, Mr. Ciecierski, Mr. Kuzmah, Mrs. Dabrowiecka, Mrs. Barańska and Mrs. Chrusciel (Poland) took places at the Committee table.

2. Mr. CIECIERSKI (Poland) said that on 2 April 1997 the Polish National Assembly had adopted the new Polish Constitution, which would enter into force on 17 October 1997. The Constitution guaranteed all citizens equal rights and prohibited discrimination in the political, social and economic spheres. For the first time in Poland, the Constitution guaranteed the rights of national minorities. In article 35, it established the right of citizens belonging to ethnic and national minorities to use their own language, preserve their customs, establish their own educational, cultural and religious institutions and participate in decisions on matters concerning their cultural identity.

3. Article 9 stipulated that the Republic of Poland was bound by the international instruments it had ratified, which according to article 87 were sources of law and according to article 91 were part of the national legal system and self-executing unless the enactment of a law was required for their implementation. Article 8, paragraph 2, stipulated that the provisions of the Constitution on the protection of minority rights were self-executing. Any individual could apply to the Constitutional Court to have a law declared unconstitutional. The new Penal Code, Code of Criminal Procedure and Code of Execution of Penalties would enter into force on 1 January 1998. The provisions in the old Penal Code prohibiting racial discrimination had been maintained in the new Code.

4. On 30 April 1997, the President of the Republic had issued a decree withdrawing Poland's reservation to article 22 of the Convention. The decree would probably enter into force in September 1997. Steps had also been taken to recognize the competence of the Committee to receive and consider communications from individuals or groups of individuals in accordance with article 14 of the Convention.

5. The bilateral treaties which Poland had concluded with Lithuania, Belarus, Ukraine, Germany, the Czech Republic and Slovakia safeguarded the rights of those countries' nationals in Poland as well as the rights of Polish nationals living in those countries. The rights of the national minorities concerned had in fact been respected earlier even though they had not been enshrined in the old Constitution. On 20 June 1997, the Prime Minister had established an inter-ministerial group of experts on questions relating to national minorities, whose tasks included making proposals for implementing minority rights, determining the needs of minorities and improving the coordination of public initiatives on behalf of minorities.

6. On 20 February 1997 the acts governing relations between the State and three churches (Catholics of the so-called Mariawit sect, Old Catholic Mariawit and Pentecostal) had been adopted. That raised the number of churches whose legal status was governed by special laws to 16, with the others operating on the basis of their inclusion in the register. The act governing relations between the State and the Jewish communities of Poland had also been adopted on that date. It specified the legal and financial status of the Jewish communities and the conditions for restoration of assets which had belonged to those communities on 1 September 1939 and had been taken over by the State after the Second World War. The progress made with the programme for the former Auschwitz concentration camp also showed how far relations between Poland and the Jewish communities had improved. The Government was cooperating with the Holocaust Museum of New York and the Memorial Institute in Jerusalem in order to provide better protection for the camp.

7. The Special Rapporteur of the Commission on Human Rights had referred in his latest report to the criminal proceedings instituted against a priest, Henryk Jankowski, for anti-Semitic remarks made during a sermon. The court had found Rev. Jankowski guilty of insulting a national group on account of its religion (Penal Code, arts. 274 (1) and 193 (1)) and had handed down a two-year suspended sentence with probation, together with a fine of 1,000 zlotys to be used in the public interest. He pointed out that the sermon had been criticized by the Government earlier. There were currently 13 cases relating to racial discrimination in progress, at the stage of either preparatory or court proceedings. They concerned the dissemination of anti-Semitic leaflets, posters and publications defamation of persons on account of their nationality, profanation of graves and arson. Set against the crime rate for the entire country, however, such cases were of minor significance and were always strongly condemned by both society and the political authorities.

8. Mr. SHAHI (Country Rapporteur) noted with satisfaction that the Polish Government had prepared the document containing the thirteenth and fourteenth periodic reports (CERD/C/299/Add.10) on the basis of the revised guidelines regarding the form and content of reports, in accordance with the Committee's recommendation following its consideration of the tenth, eleventh and twelfth periodic reports in March 1993 (A/48/18, para. 187). The core document had not yet been produced, however.

9. The adoption and entry into force of the new amended Constitution would certainly have a strong impact on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination in Poland. The situation when previous reports had been considered had been ambiguous, for it appeared that only treaties ratified after the adoption of the 1989 Constitution could be considered as automatically becoming part of Polish law or directly applicable at the domestic level, which had not been the case for the Convention, as it had been ratified before 1989. Poland's latest report mentioned certain judicial decisions taken without reference to related constitutional norms, which indicated that many of the Convention's provisions should be considered as part of domestic law, but the situation remained unclear. The report also referred to norms of self-executing character appearing in the Convention, which, as such, could and should be applied

directly in Poland (paragraph 5), although that did not give the Convention the same status in domestic law as that enjoyed by other international human rights instruments, such as the European Convention. It was not certain whether the new Constitution made the Convention directly applicable under domestic law, given that many of its provisions were themselves not of a self-executing character.

10. With regard to the more detailed demographic data which the Committee had asked Poland to provide after it had considered the previous reports, the fourteenth report indicated that the collection of information on race was prohibited in Poland (paragraph 10). After the Second World War, Poland had ceased to be a multinational country, 98 per cent of its inhabitants being Polish. The census to be conducted in the year 2000 would not collect personal data on race and nationality "in the meaning of ethnic origin". Nevertheless, the fourteenth periodic report contained approximate data collected by the Parliamentary Commission on National and Ethnic Minorities and also by various minority associations. He added that the Jews, who had numbered 3 million before the war and 200,000 after the war, had numbered less than 10,000 in 1996.

11. During the consideration of Poland's twelfth periodic report, some Committee members had doubted how, in the absence of a definition of racial discrimination in Poland's legal system, articles 67 and 81 of the 1952 Constitution could be implemented. Those provisions made no reference to discrimination on grounds of colour, descent or ethnic origin, which were included in the definition of racial discrimination contained in article 1 of the Convention. The Government of Poland might wish to consider widening the scope of articles 67 and 81 so as to make them conform more fully to article 1 of the Convention.

12. According to an earlier statement by the Polish delegation (CERD/C/SR.982, para. 11), a department of the Ministry of Culture was in charge of coordinating activities relating to national minorities, which were based on the principles of protection of minorities, affirmative action and the autonomy of minority organizations, movements and associations. While that initiative was commendable in itself, it would be interesting to know what had actually been done in the framework of that policy.

13. In order to safeguard the political rights of national minorities, in 1993 a provision had been added to the Act on Elections to the Sejm, by virtue of which the requirement of the percentage threshold (5 per cent) of votes cast in the whole country did not apply to the electoral committees of registered organizations of national minorities. The Committee would appreciate being informed of other specific steps taken by the Government of Poland to implement article 2 (1) (d) of the Convention.

14. Despite the positive measures taken by the Polish Government, racial discrimination and intolerance had not been entirely eliminated in Poland, since in 1995 the Ombudsman had pointed to increasing racial and religious hatred in some communities and had criticized the behaviour of a priest in Gdansk (paragraph 15). During the consideration of the twelfth report, Mr. Banton had referred to expressions of anti-Semitism cited in a 1992

publication (Anti-Semitism: World Report 1992). Similar acts were cited in the 1996 edition of the report. In another 1996 report, the United States Department of State had described a police raid on a Romany camp which had allegedly resulted in over 200 arrests and 115 expulsions to Ukraine and Romania. According to the same report, 25 per cent of visitors to Poland of African, Asian and Arab descent experienced some type of aggression during their stay and 60 per cent experienced verbal abuse based on their skin colour.

15. According to the information in Poland's fourteenth periodic report on the implementation of article 4, any act of racial discrimination or incitement to racial discrimination, in any form whatsoever, was a criminal offence and the financing, aiding or abetting of such acts was also prohibited. The draft new Penal Code would retain all the existing regulations concerning racial discrimination and introduce new articles in the part entitled "Offences against peace, mankind and war crimes" (paragraph 18). Although such offences were more related to the Convention on the Prevention and Punishment of the Crime of Genocide, their inclusion in the Code was certainly commendable. During the consideration of the previous report, several members of the Committee had remarked on the low number of convictions in cases involving racial discrimination: a mere eight during the period 1986-1990. The fourteenth report stated that there had been only three indictments during the period 1992-1994, and no convictions. During the consideration of the twelfth report, several members of the Committee had asked for more information about the Polish National Party, which claimed a membership of 20,000 and whose Chairman, Mr. Tejkowski, was under criminal prosecution for his statements and activities. The Committee would be interested in knowing the court's verdict, which was not mentioned in the fourteenth report, as well as the outcome of the case involving the priest in Gdansk.

16. Certain articles of the 1952 Constitution which were still in force guaranteed the equal rights provided for in article 5 (c) of the Convention, notably with regard to elections. However, the German minority was represented in the Sejm by 4 deputies out of a total membership of 460, and the Ukrainian minority by 1 deputy. Representatives of the Belarusian, Lithuanian and Gypsy minorities had also run for the Sejm but had not been elected. The various minorities were represented in the local councils, with the exception of the Gypsy community, which was nowhere in the picture. Neither the fourteenth nor the twelfth periodic report provided any information on the representation of national or ethnic minorities in the country's public service, and the Committee would appreciate details from the delegation.

17. Concerning the civil rights listed in article 5 (c) of the Convention, Polish law imposed some limitations or restrictions on freedom of movement and the right to choose one's place of residence (paragraph 43); the right to own property (paragraph 48); the right to inherit, as applied to farms (paragraph 49); freedom of assembly and association during a state of emergency (paragraph 50) and freedom of thought and freedom of speech in practice. On the last point, he would like to know what verdict had been handed down in the Leszbek Bubel case.

18. A 1996 report by the United States Department of State had spoken of limitations on freedom of speech and freedom of the press and incidents of intolerance towards minorities, but fewer than in 1995. There was no legislation guaranteeing the right to privacy. The print media were uncensored and independent although they could be subject to prosecution as in the Siwicki case. Women were under-represented in the Government, the Parliament and political party leadership. Violence against women continued to be a problem and the traffic in women was increasing.

19. Concerning economic, social and cultural rights, Polish legislation did not differentiate in any way on the basis of race, nationality or religion (paragraph 67). The right to work was guaranteed under the 1989 Employment Act, which reflected the provisions of ILO Convention No. 111 on Discrimination in Employment and Occupation. Information would be welcome on the implementation of the Act.

20. The report provided no concrete details on the implementation of the provisions of the Convention regarding the right to form trade unions and the right to medical care, social security and social services. The Committee would appreciate information on the enjoyment of those rights, in particular by the Gypsies and Polish Tartars. Also according to the 1996 report of the United States Department of State, there was disproportionately high unemployment among the Romany community and discrimination against them by local officials in the provision of social services.

21. Concerning the right to education and training, after considering the previous periodic report the Committee had asked the Polish Government to provide more detailed information on the teaching of languages spoken by the different ethnic groups in its next report. The fourteenth report described the structure of the national education system, which was a three-level system: primary (obligatory): secondary (vocational or general) and higher education free of charge in State schools. The 1991 Act governing the educational system also provided for teaching in the mother tongue for children of non-Polish nationality in order to maintain their sense of national, ethnic, linguistic and religious identity and in particular to learn their native language as well as their history and culture (paragraph 72). In that context, the committee would like to know about the provisions of the bilateral treaties with Germany and Belarus relating to the rights of national minorities. The report contained figures on the number of institutions, pupils and teachers for five minority languages (paragraph 74), but there was no mention of the Romany language. Further information was also needed on that point.

22. The fourteenth periodic report should have provided further information on the restructuring of the administration of justice, which had been briefly dealt with during the consideration of the twelfth report. On that occasion several Committee members had asked for additional information about the functions of the Ombudsman. The fourteenth report stated that, if an act or omission of the organs, organizations and institutions which were obliged to comply with and exercise civil rights and freedoms resulted in any infringement of the rights and freedoms specified in the Constitution or in other provisions of the law, the person whose rights had been violated was

entitled to file a complaint to the Ombudsman, who was also competent to examine issues related to the protection of civil rights and freedoms in respect of foreigners. In the period covered in the report, in none of the cases examined had the Ombudsman ascertained discrimination for racial reasons, and the few cases involving alleged discrimination on grounds of nationality had not been confirmed (paragraph 15).

23. Considering the efforts made to promote human rights teaching in Poland and to disseminate the objectives of the Charter of the United Nations and the Universal Declaration of Human Rights, and considering the fact that Poland was a party to the International Covenant on Civil and Political Rights and the European Convention on Human Rights, could Poland not recognize the competence of the Committee to receive and consider communications from individuals claiming to be victims of violations, especially as the Polish representative had stated, during consideration of the previous periodic report, that Poland had not yet made the declaration under article 14 of the Convention (A/48/18, para. 194) only for technical reasons?

24. Mr. VALENCIA RODRIGUEZ said that he was pleased to note articles 67 (paragraph 2), 81 and 82 (paragraph 1) of the "Little Constitution", by which Poland had provided itself with the necessary legal basis for implementing the Convention. As things stood, however, the only authoritative texts were decisions by the Supreme Court and the Constitutional Court; he asked whether there had been cases where the judicial authorities had had to refer to those decisions in arguing that international instruments took precedence over internal law. Noting that the draft new Penal Code mentioned in paragraph 18 of the report had been adopted and that it contained provisions enabling Poland to implement the Convention, he expressed the hope that the Government would in due course provide all relevant information on the implementation of those provisions. In connection with the information contained in paragraph 5, he asked whether the Polish delegation could provide specific examples of the direct application in Poland of some of the principles laid down in the Convention.

25. He drew attention to the demographic statistics in paragraphs 10 to 12 of the report, which showed that, although Poland was not a multiracial country, it recognized - commendably - that there were numerous national minorities of substantial size in the country.

26. Paragraphs 15 et seq. had also drawn his attention, in particular because they referred to the functions of the Ombudsman, who was empowered to examine complaints of violations of civil rights and fundamental freedoms, and could even ensure that criminal prosecution was instituted, as in the Jankowski case in Gdansk. The verdict in the case showed that racist propaganda was indeed covered by the law. He would be interested in receiving information on the 13 cases of racial discrimination referred to by the Polish delegation, as they related to the implementation of article 4. In his view the Penal Code met the requirements of article 4 (a) but did not reflect the provisions of article 4 (b) satisfactorily at the national level, for it did not explicitly prohibit racist organizations. If the delegation could provide details on the cases mentioned in paragraph 28 of the report, the Committee would have a better idea of the scope of articles 272 and 274 and of how they were applied.

27. The information given in paragraphs 20 et seq. of the report on guaranteeing equal rights to minorities was very interesting, and the steps taken to ensure representation of minorities in the Sejm and other governmental bodies were commendable. He noted, however, that only the German, Ukrainian, Belarusian, Lithuanian and Gypsy minorities had presented candidates for the Sejm, Senate or town and commune councils; he would like to know whether steps were being taken to enable the other minorities to be represented.

28. Paragraphs 29 to 31, which described the Acts of 1989 and 1990 concerning control of associations and assemblies with a view to counteracting discrimination, unfortunately gave no information on the actual implementation of the acts. He was not clear what was meant by an "ordinary association" and how it was possible in practice to monitor such associations inasmuch as they did not have legal personality.

29. Turning to paragraphs 68 to 70 concerning the implementation of article 6 and reverting to the functions of the Ombudsman, he asked whether the latter could unilaterally impose penalties or decide how much compensation should be paid to a victim of discrimination.

30. Mr. de GOUTTES said that the report contained much useful information, especially in paragraphs 2 and 24 on legislative texts and paragraph 28 giving figures. The report did, however, have two shortcomings: the demographic data provided in paragraphs 10 to 12 was not satisfactory, since it was not official, and the information provided in paragraphs 36 to 67 was more relevant to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

31. He welcomed the fact that the new Constitution and new Penal Code had been adopted, but he had the impression that the new Penal Code had unfortunately not introduced the changes mentioned in paragraph 18 of the report concerning crimes against humanity, and he wished to know how things stood in that respect. He was confused by the statement in paragraph 5 of the report to the effect that the Convention contained certain principles that could and should be applied in a direct way, for he was not certain that the Convention could be compared to an international agreement or that it had priority over domestic law, as stated in paragraph 3. The Convention laid down obligations for States only and could not be directly invoked in court by individuals.

32. He did not see what prevented Poland from making the declaration under article 14 of the Convention. It had accepted the possibility of individuals applying to the European Commission on Human Rights in the framework of the European Convention for the Protection of Human Rights and Fundamental Freedoms, which applied only to civil and political rights. Furthermore, the Committee, unlike the European body, was not a jurisdictional mechanism; it only made recommendations. The International Convention on the Elimination of All Forms of Racial Discrimination had a wider scope than the European Convention, since it applied to all rights, whether civil and political or economic, social and cultural. The mechanisms of the two conventions should therefore be seen as complementary.

33. Mr. GARVALOV said that neither the report nor the additional information provided at the current session led to the conclusion that the Constitution explicitly prohibited discrimination based on colour, descent or national or ethnic origin. Article 13 of the Constitution did forbid the existence of political parties and other organizations advocating racial or national hatred, but that provision related more to article 4 than article 1, paragraph 1.

34. As Mr. Shahi had pointed out, the demographic data contained in paragraphs 10 to 12 were insufficient. In view of its history, it was understandable for Poland not to establish official statistics on the size of national or ethnic minorities. Considering the information provided in paragraph 21, however, it might be wondered on the basis of what criteria the representatives of national or ethnic minorities were elected, if the size of the communities they represented was not known. In paragraph 10 of the report, the Government of Poland stated that the international organizations did not recommend the collection of data on race and nationality in conducting censuses; in fact, a method established by the United Nations did exist, which proposed a classification based on 26 obligatory criteria and three optional criteria, namely mother tongue, ethnic origin and religion.

35. He had studied the table on page 6 of the report closely. Concerning the number of Gypsies, he asked whether the gap between the figure established by the Parliamentary Commission and that given by the national associations - 25,000 and 3,000 respectively - was due simply a typographical error. According to the table, the Ukrainian and German minorities were approximately the same size; he asked why there was only one deputy for the Ukrainian minority in the Sejm while there were four deputies for the German minority. Noting that paragraph 12 mentioned "minorities of an emigration nature", he drew attention to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

36. Referring to the Jankowski case, which had led to criminal proceedings and a conviction - and properly so - he expressed concern at information to the effect that the authorities in Cracow had allegedly refused to authorize the establishment of a park in memory of Jews who had died during the Second World War, and at the obviously racist nature of the programmes promoted by some of the candidates in the presidential campaign.

37. He was surprised to read in paragraph 19 that there were 120 associations of minorities and in paragraph 20 that the Government cooperated with only 11 of them. What was the reason for that? In speaking of national minorities, the Polish delegation had referred to treaties of friendship and good neighbourliness between Poland and neighbouring countries: in the light of the information provided in paragraphs 11, 19 and 20 of the report, that appeared to indicate that Poland interpreted "national minority" as meaning a minority that had come from a neighbouring country. If so, did bilateral treaties contain a guarantee against secessionist claims?

38. In his opinion, the fact that some of Poland's basic legislation did not provide for differences of treatment between citizens on grounds of race, colour, birth or national or ethnic origin was not sufficient to meet the specific guarantee set forth in the Convention.

39. Mr. DIACONU said that Poland's efforts steadily to improve respect for human rights and minority rights were commendable. He noted that Poland had signed bilateral treaties with its neighbours, including Germany, requiring Poland to observe OSCE principles, which had the force of law, and to protect minorities and minority languages, cultures and religions, and also requiring all members of minority groups to show loyalty to the country hosting them. That type of treaty, whose purpose was to protect minorities, protect borders and prevent any territorial claims, was appropriate for limiting causes of conflict.

40. As for opportunities for children of minority groups to learn their mother tongue, if the size of such groups as given in paragraph 11 was compared with the number of children learning their mother tongue according to paragraph 74, it appeared that the latter represented a proportion of the population group in question that was much smaller than the average proportion of children enrolled in school among a majority population. He would like to know whether a demand existed on the part of the minorities, whether there were private schools providing teaching in minority languages and whether the Government of Poland was planning any steps to expand that type of teaching.

41. He noted that in many European countries, the questions asked in population censuses did include ethnic or national origin. Often the minorities themselves wished to know those figures and to have them published, in order to achieve recognition. He wondered how it was possible to take steps in favour of a minority without knowing its size and suggested that the Government of Poland might alter the rules governing practice in that area.

42. Mr. CHIGOVERA said that he wished to revert to the provisions of articles 67 and 81 of the 1952 Constitution, mentioned in paragraph 2 of the report. Given that a new Constitution had been adopted, were those provisions still in force? Those articles made no mention of distinctions based on colour and ethnic or national origin. Even article 32 of the new Constitution, which covered discrimination, was too general, since it said nothing of the specific areas set forth in the Convention. In fact, the new Constitution defined the churches' status more clearly than that of ethnic groups.

43. Concerning the statement in paragraph 10 that Poland had ceased to be a multinational country, which had been made well before Poland's ratification of the Convention, he asked whether that statement still provided the basis for the country's policy regarding demographic data on ethnic groups. Article 8 of the Act on Public Statistics prohibited the collection of information on race. What was the status of that article in the light of article 35, paragraph 2 of the new Constitution, which recognized the right of ethnic minorities to preserve their own culture and to establish their own educational institutions? The prohibition against collection of information on race did not seem to comply with the obligations of States parties. For example, how could article 4 be implemented if such information was not available? Even if some very useful provisions did exist for implementing article 4 of the Convention (paragraphs 24 to 28), it was not very clear for whom they were intended, in the absence of precise data concerning ethnic minorities.

44. Mr. SHERIFIS thanked Poland for having given effect to the Committee's conclusions by submitting a report that met the Committee's guidelines and contained demographic data. That having been said, the report indicated that Poland had no official statistics on the number of national and ethnic minorities in its territory, but that the persons who would be taking part in a national census planned for the year 2000 would be replying to a question on their citizenship. How was citizenship interpreted, and what question would they be asked? What were the principles mentioned in paragraph 10 which did not allow for the collection of data on race and nationality, and which international organizations had adopted them?

45. During the period under review, Poland had been very active in the protection of human rights, judging from the number of legislative texts ratified and the information given in paragraphs 6 to 9 of the report. It was also interesting to note that the objectives of several United Nations instruments, including the Convention, had been taken into account in laying the foundations of general education in Poland. In that connection, he would like further clarification regarding paragraph 19, which stated that Poland was not a multiracial State, although it did have approximately 120 associations of national or ethnic minorities. With regard to information, there were an impressive number of journals and newspapers for national minorities. Were Poland's reports published in all the media? What procedure was followed in preparing them? Was there a drafting committee, and if so, who chaired it? Had Poland begun the procedure for ratifying the amendment to article 8, paragraph 6 of the Convention, as adopted by the contracting parties and ratified by the General Assembly?

46. The Polish delegation had stated that Poland would withdraw its reservations to article 17, paragraph 1 and article 18, paragraph 1 and that it was planning to make the declaration under article 14. The Committee would have preferred to be told that the declaration had already been made, but that was a start, especially as only 24 countries had taken the step so far.

47. Mr. van BOVEN noted that Poland had been among the first countries to ratify the Convention, but had also made several reservations. Contrary to what Mr. Sherifis appeared to believe, according to the Polish delegation not all of those reservations had been lifted. Reverting to paragraph 7 of the report, he noted that in 1993 the representative of Poland had said that Poland's failure to make the declaration under article 14 of the Convention had been due solely to technical reasons. Four years later, the Committee was being told that inter-ministerial procedures were under way in preparation for the declaration. What exactly was the situation? He hoped that that did not mean that the declaration would be postponed indefinitely.

48. Referring to paragraph 15 on the role of the Ombudsman, he welcomed the fact that the report mentioned the Jankowski case. That case represented a particularly distressing anti-Semitic incident, given Poland's history and the fact that the three or four million Jews living in Poland before the war had been reduced to only a few thousand. He urged the authorities to take a clearer stand on the case. In a similar vein, he referred to the incident which had occurred on 19 June 1996 at Warsaw, when the police had raided a Romany camp and made arrests, mainly of women and children. The police had used dogs on that occasion to search the camp, claiming that the community had

buried its dead there. Not finding anything, they had razed the camp with bulldozers and disinfected the premises, on the grounds, as stated by the spokesman for the Governor of Warsaw, that the camp was in complete violation of health regulations. One hundred and thirteen members of the Romany community had then been expelled. That incident raised serious doubts with respect to the implementation of articles 2 and 5 of the Convention.

49. With regard to article 4, the information provided in paragraph 28 on indictments and convictions for offences relating to discrimination were certainly useful, but the Government should indicate in its next report the exact nature of the offences in question. Concerning article 5, the report contained eight pages on civil and political rights and less than half a page on economic, social and cultural rights. With Poland undergoing a transition towards a market economy, the protection of economic, social and cultural rights was more important than ever, especially as the victims of racial discrimination often belonged to the most vulnerable groups of society. It was disappointing to note that the report placed little emphasis on such rights, covered by article 5 of the Convention.

50. The report provided some information on article 6 but said nothing about how its provisions were actually implemented. Were victims of racial discrimination entitled to compensation for both moral and material damage? He would also like to know whether the report and the Committee's conclusions would be disseminated in Poland.

51. Mr. WOLFRUM drew the Committee's attention to paragraph 2 of the report, in particular articles 67 and 81 of the Constitution. He asked why only citizens had equal rights. What was the difference between nationality and citizenship according to the Polish Constitution? The wording of article 81, paragraph 2, was noteworthy, as it was rare for such a provision to be included in a constitution. That was a positive measure and should be commended.

52. In his view the demographic data on page 6 of the report did reflect the situation in Poland, and a country could not be forced to provide demographic data if no census was available. That having been said, he would like to know what was meant by the expression "minorities of an emigration nature" in paragraph 12. Were they new immigrants or minorities who had immigrated?

53. Referring to the electoral system, which was described in detail in paragraph 21, he expressed appreciation for the possibilities it offered minorities and said that the solution adopted was so interesting, complex and favourable towards minorities that the report should have dwelt on it further. The same was true of the agreements concluded by Poland with other States, the most important of which, namely the 1991 agreement with the Federal Republic of Germany, had been mentioned by Mr. Diaconu. Those were unprecedented historical treaties which deserved more detailed treatment in the next report. What was the status of those agreements under Polish domestic law? The next report should indicate the possibilities given the courts, especially the Constitutional Court, to hand down decisions on commitments assumed by Poland in the international sphere.

The meeting rose at 5.55 p.m.